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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,093	12/30/1999	Matthew D. Halfant	GENSP034	3180
22434	7590	03/22/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			HUYNH, CONG LACT	
		ART UNIT	PAPER NUMBER	
		2178	16	
DATE MAILED: 03/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)
	09/475,093	HALFANT, MATTHEW D.
	Examiner	Art Unit
	Cong-Lac Huynh	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 21-41 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 12/23/03 to the application filed on 12/30/99.
2. Claims 21-41 are pending in the case. Claims 21, 28, 35 are independent claims.
3. The objections of claims 22 and 26 have been withdrawn in view of the amendment.
4. The rejections of claims 21-41 under 35 U.S.C. 112, first paragraph, and the rejections of claims 21-41 under 35 U.S.C., second paragraph, have been withdrawn in view of the amendment.

Claim Objections

5. Claim 21 is objected to because of the following informalities: the phrase "enhancing a selected digital video frames, or a portions thereof..." is not correct since a *selected digital video frame* or a *portion* can not be in plural. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21-41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over McDade et al. (US Pat No. 6,490,324 B1, 12/3/02, filed 12/8/98).

Regarding independent claim 21, McDade discloses:

- selecting a particular one of the digital video frames for enhancement (col 11, line 60 to col 12, line 19: selecting a desired sequence from the video and audio stream for manipulating)
- other of the digital video frames associated with the digital video frame to be enhanced (col 11, lines 7-24: the picture decoding and the sub-picture decoding suggest that the sub-picture frames are associated with the video frame; col 13, lines 3-25: the fact that the frames are encoded based on the past and future frames implies an association between a particular frame and other video frames)
- enhancing the selected video frame based upon information included in the other digital video frames and the particular digital video frame (col 11, lines 25-39: manipulating the combined decoded video data by using the color adjustment is considered as enhancing video frames to improve the rendered video data to users based on the sub-pictures data)

McDade does not explicitly disclose selecting other digital video frames associated with the selected video frames to be enhanced.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified McDade to include said selecting since McDade does teach selecting a video frame as above, and the association between the sub-pictures and the video frames. This suggests that whenever the video frame is selected, the sub-picture frames associated with it are also selected.

Regarding claim 22, which is dependent on claim 21, McDade discloses:

- obtaining movement information for the selected digital video frame and the other digital video frames (col 3, lines 32-55: the set of motion compensation instructions is included in the encoded video frames used for decompressing)

Regarding claim 23, which is dependent on claim 22, McDade discloses:

- enhancing the selected video frames based upon information included in the other digital video frames and the particular digital video frame (col 11, lines 25-39: manipulating the combined decoded video data using the color control is considered as enhancing video frames to improve the rendered video data to users based on the sub-pictures data)

McDade does not explicitly disclose:

- identifying portions of the associated digital video frames corresponding to the portion to be enhanced
- enhancing the portion based upon information included in the corresponding other digital video frame portions and the portion of the selected video frame

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified McDade to include identifying portions of the associated video frames corresponding to the portion to be enhanced and enhancing the portion of the selected video frame based on the portion of the selected video frame and the other video frame portions since enhancing the selected video frames as in

McDade provides the opportunity of *enhancing at least a portion* of the selected video frame, and *encompasses enhancing a portion* of the selected video frame as well.

Regarding claim 24, which is dependent on claim 22, McDade does not explicitly disclose:

- selecting another of the stream of digital video frames for enhancement when the enhancement is complete
- continuing the selecting until all of the selected digital video frames, or portions thereof, have been enhanced

Instead, McDade discloses manipulating selected ones of the enhanced digital video frames (col 11, lines 25-39; col 9, lines 26-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified McDade to include the above steps since the fact that manipulating the selected ones of the digital video frames, which is considered as an enhancement of the encoded video frames, is performed for each of the video data streams and continues to perform for all of the selected video frames.

Regarding claim 25, which is dependent on claim 24, McDade discloses manipulating selected ones of the enhanced digital video frames (col 11, lines 25-39; col 9, lines 26-57).

Regarding claim 26, which is dependent on claim 22, McDade discloses that manipulating is selected from a group comprising: a zoom operation, a contrast enhancement operation, a luminance control operation, a color adjustment operation, a gamma correction operation, an image sharpening operation, and a color saturation operation (col 11, lines 25-39: the video renderer provides the intelligence on *how to manipulate the combined decoded video data* wherein the color adjustment operation – “what color space conversion to use”—is one from the group of manipulating functions; col 17, lines 10-37: manipulating video using the color control).

Regarding claim 27, which is dependent on claim 26, McDade discloses that the method is executed by a processor unit included in a digital video disc (DVD) player (figure 2; col 9, line 57 to col 10, line 35).

Claims 28-41 are for a computer program product and an apparatus of method claims 21-27, and are rejected under the same rationale.

Response to Arguments

8. Applicant's arguments filed 12/23/03 have been fully considered but they are not persuasive.

Applicants argue that McDade fails to disclose enhancing the selected digital video frame based upon information included in the other digital video frames and the

particular video frame since decompressing a digital frame is not the same as enhancing a digital video frame (Remarks, page 7).

Examiner agrees.

McDade discloses manipulating video frames using the color adjusting operation (col 11, lines 25-39 and col 17, lines 10-37) where manipulating is for improving the quality of displayed video frames. Such manipulating, therefore, is considered as enhancing of video frames.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Porrka et al. (US Pat No. 5,929,942, 7/27/99, filed 4/4/97).

Honey et al. (US Pat No. 5,917,553, 6/29/99, filed 10/22/96).

Perlman et al. (US Pat No. 6,141,693, 10/31/00, filed 6/30/98).

Malkin et al. (US Pat No. 6,317,795 B1, 11/13/01, filed 7/22/97).

Saib (US Pat No. 6,456,779 B1, 9/24/02, filed 10/31/97).

Shanahan (US Pat No. 6,496,692 B1, 12/17/02, filed 3/3/00, priority 12/6/99).

Brewer et al. (US Pat No. 6,400,886 B1, 6/4/02, filed 10/9/97).

Lucas et al. (US Pat No. 6,546,113 B1, 4/8/03, filed 3/2/99).

Bogia (US Pat No. 6,567,825 B2, 5/20/03, filed 8/17/99).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
3/15/04



STEPHEN S. HONG
PRIMARY EXAMINER